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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,305	11/20/2003	Duoc Phuc Nguyen	MS#303476.01 (5087)	9760
38779	7590	08/01/2007	EXAMINER	
SENNIGER POWERS (MSFT)			KEEFER, MICHAEL E	
ONE METROPOLITAN SQUARE, 16TH FLOOR				
ST. LOUIS, MO 63102				
			ART UNIT	PAPER NUMBER
			2154	
			NOTIFICATION DATE	DELIVERY MODE
			08/01/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,305	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> Michael E. Keefer	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/11/2007, 10/10/2006, 5/4/2006, 2/3/2006, 3/1/2004, 11/20/2003.

### DETAILED ACTION

1. This Office Action is responsive to the Application filed 11/20/2003.

#### *Specification*

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### *Claim Rejections - 35 USC § 101*

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 23-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding **claim 13**, the "computer readable medium," in accordance with Applicant's specification, may be carrier waves. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some

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form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Regarding **claim 23**, the "computer readable medium," in accordance with Applicant's specification, may be carrier waves. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Regarding **claim 24**, the "computer readable medium," in accordance with Applicant's specification, may be carrier waves. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

**Claims 25-31** which depend from claim 24 do not remedy the deficiencies of claim 24 and are thus rejected for the same.

Regarding **claim 32**, the “computer readable medium,” in accordance with Applicant’s specification, may be carrier waves. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

**Claims 33-36** which depend from claim 32 do not remedy the deficiencies of claim 32 and are thus rejected for the same.

Regarding **claim 37**, the “computer readable medium,” in accordance with Applicant’s specification, may be carrier waves. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

**Claims 38-40** which depend from claim 37 do not remedy the deficiencies of claim 37 and are thus rejected for the same.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-5, 7-13, 24, 26-31, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 5790790), hereafter Smith.

Regarding **claims 1, 13, 24, and 27**, Smith discloses:

A method of managing notifications in a web-based notifications system, said notifications system being configured to provide notifications to a user via a data communication network, said notifications containing content provided by one or more content providers, said content relating to one or more topics, said method comprising:

implementing a web service responsive to requests structured according to an extensible messaging framework; (Fig. 1, server 12)

receiving, at the web service, a request from a content provider, said request specifying a selected notification management function, said request being structured according to the messaging framework; (Fig. 1, request 18)

extracting request information from the request, said request information including at least a content provider identifier and a topic identifier; and (Col. 7 lines 21-45, the sender of the send message is identified (Sam) and the topic (i.e. the store data) is extracted and stored)



executing the selected notification management function based on the extracted request information. (The store data is sent to Rob)

Regarding **claims 3 and 26 as applied to claims 1 and 24**, Smith discloses:

wherein the request includes a header and wherein extracting request information comprises extracting the content provider identifier from the header. (The sender information is inherently stored in the header of a packet in the FROM field.)

Regarding **claims 4, 27 and 39 as applied to claims 1, 24, and 37**, Smith discloses:

further comprising creating a response object in response to said received request, said response object being structured according to the messaging framework, said response object containing information relating to either success or failure of the request. (Col. 7 lines 46-48 state that an ACK is sent to Sam.)

Regarding **claim 5 as applied to claims 1 and 4**, Smith discloses:

further comprising sending the response object to the content provider via the data communication network. (Col. 7 lines 46-48 state that an ACK is sent to Sam.)

Regarding **claims 7, 28, and 40 as applied to claims 1, 24 and 37**, Smith discloses:

wherein executing the selected notification management function comprises performing a function corresponding to the topic identifier specified by the extracted request information selected from the group consisting of: creating



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a topic; deleting a topic; updating a topic; and enumerating topics. (A topic (i.e. a store) is created in order to send the data. Col. 7 lines 34-41)

Regarding **claims 8 and 29 as applied to claims 1 and 24**, Smith discloses:

wherein extracting request information further comprises extracting a user identifier to identify the user. (Rob's identity is extracted, Col. 7 line 53)

Regarding **claims 9 and 30 as applied to claims 1, 8, 24 and 29**, Smith discloses:

wherein executing the selected notification management function comprises subscribing the identified user to a topic corresponding to the topic identifier specified by the extracted request information, said identified user to receive at least one notification via the web-based notifications system relating to the topic when subscribed thereto. (Rob is subscribed to the data store, and receives a notification that new data is available. Col. 8 lines 23-56)

Regarding **claim 10 as applied to claims 1 and 8-9**, Smith discloses:

wherein subscribing the identified user comprises:

querying a user profile store for profile information corresponding to the identified user; (Col. 8 lines 37-39)

determining routing information for the notification based on the profile information; (Col. 8 lines 37-39)

creating a subscription corresponding to the topic identifier, said subscription including the topic identifier, the user identifier, and the routing path for the notification; (Col. 8, lines 48-61)

and creating a response object in response to said received request, said response object being structured according to the messaging framework, said response object containing information identifying the created subscription; and sending the response object to the content provider via the data communication network. (Col. 7 lines 46-48 state that an ACK is sent to Sam, which would inherently identify the session to which it was acknowledging, or else the acknowledgement would be meaningless to the recipient.)

Regarding **claims 11 and 31 as applied to claims 1, 8, 24, and 29**, Smith discloses:

wherein executing the selected notification management function comprises unsubscribing the identified user to a topic corresponding to the topic identifier specified by the extracted request information, said identified user to no longer receive notifications via the web-based notifications system relating to the topic when unsubscribed thereto. (Col. 8 lines 62-65 disclose deleting the store.)

Regarding **claim 12 as applied to claims 1 and 8**, Smith discloses:

wherein executing the selected notification management function comprises updating one or more subscriptions based on the user identifier and the topic identifier specified by the extracted request information. (Col. 8 lines 62-65 disclose deleting the store, i.e. updating the user subscription to be non-existent.)

7. Claims 14-23 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith.

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Regarding **claims 14, 23, and 32**, Smith discloses:

The subject matter of these claims are substantially the same as that of claim 10, so are rejected for the same reasoning.

Regarding **claims 15 and 33 as applied to claims 14 and 32**, Smith discloses:

wherein said request information extracted from the request further specifies a selected notification management function to be performed by the notifications system, and further comprising executing the selected notification management function based on the extracted request information. (sending the file is a management function.)

Regarding **claims 16 and 34 as applied to claims 14-15 and 32-33**, Smith discloses:

wherein executing the selected notification management function comprises subscribing the user to a topic corresponding to the topic identifier specified by the extracted request information, said user to receive at least one notification via the web-based notifications system relating to the topic when subscribed thereto. (Rob is subscribed to the data store, and receives a notification that new data is available. Col. 8 lines 23-56)

Regarding **claim 17 as applied to claims 14-15**, Smith discloses:

wherein executing the selected notification management function comprises unsubscribing the user to a topic corresponding to the topic identifier specified by the extracted request information, said user to no longer receive

notifications via the web-based notifications system relating to the topic when unsubscribed thereto. (Col. 8 lines 62-65 disclose deleting the store.)

Regarding **claim 18 as applied to claim 14**, Smith discloses:

further comprising creating a response object in response to said received request, said response object being structured according to the messaging framework, said response object containing information relating to either success or failure of the request. (Col. 7 lines 46-48 state that an ACK is sent to Sam.)

Regarding **claim 19 as applied to claims 14 and 18**, Smith discloses:

wherein said response object contains information identifying the created subscription. (Col. 7 lines 46-48 state that an ACK is sent to Sam, which would inherently identify the session to which it was acknowledging, or else the acknowledgement would be meaningless to the recipient.)

Regarding **claims 20 and 35 as applied to claims 14, 18, and 32**, Smith discloses:

further comprising sending the response object to the content provider via the data communication network. (Col. 7 lines 46-48 state that an ACK is sent to Sam.)

Regarding **claim 22 as applied to claim 14**, Smith discloses:

wherein the request includes a header and wherein extracting request information comprises extracting the content provider identifier from the header. (The sender information is inherently stored in the header of a packet in the FROM field.)

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 21, 25, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claims 1, 14, 24, 32, and 37 above, and further in view of Horvitz et al (US 2003/0101190), hereafter Horvitz.

Smith discloses all the limitations of claims 2, 21, 25, 36, and 38 except for the use of the SOAP protocol and SOAP requests.

The general concept of using SOAP in a notification management environment is well known in the art as taught by Horvitz. ([0041] teaches the use of SOAP)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith with the general concept of using SOAP in a notification management environment as taught by Horvitz in order to allow easier communication behind proxies and firewalls.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of Linderman (US 2002/0032790).

Smith teaches all of the limitations of claim 6 except for a command line interface.

The general concept of providing a command line interface to issue commands is well known in the art as taught by Linderman. ([0042])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Smith with the general concept of providing a command line interface to issue commands as taught by Linderman in order to provide more flexible ways to interact with applications.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Krebs (US 5556230) discloses a system where a user can subscribe to a video mail delivery.
- b. Schneider (US 6944658) discloses a system that allows a user to subscribe to a directory to monitor for changes, where the changes can be sent to multiple places.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 5:30am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 7/16/2007

NATHAN FLYNN  
SUPERVISOR, PATENT EXAMINER

